

UNITED STATES DISCTRIC COURT
DISTRICT OF MASSACHUSETTS

)
IN RE: NEW ENGLAND COMPOUNDING) MDL No. 1:13-md-2419-FDS
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
)
This Document Relates To:)
)
All Cases)
)

ARL BIOPHARMA, INC.'S MOTION TO CORRECT THE RECORD

Now comes ARL BioPharma, Inc. (“ARL”) in the above-captioned matter and files this motion to correct the record. Specifically, ARL respectfully requests that footnote 1 (page 4) in the Memorandum and Order on Trustee’s Motion to Transfer Cases and Related Motions dated May 31, 2013 (“May 31st Court Order”) be corrected to clarify ARL’s relationship with other defendants in this lawsuit. In footnote 1 of the May 31st Court Order, the Court states: “As of the date of this order, the following entities have been alleged to be affiliated with NECC in cases before this Court: Ameridose, LLC; Medical Sales Management, Inc.; Alaunus Pharmaceutical, LLC; GDC Properties Management, LLC; GDC Holdings, Inc.; and ARL BioPharma, Inc.” Contrary to this statement, ARL is not and never has been “affiliated” with any of the other entities listed. Instead, ARL provided limited testing services to NECC and had no affiliation or other legal relationship with NECC or any of the other entities listed in footnote 1; and no Plaintiff has made such an allegation. Accordingly, ARL respectfully requests that this Court correct the record by deleting the reference to ARL in footnote 1. The Plaintiffs’ Steering Committee’s designated counsel, Attorney Frederick Ellis, assents to this motion.

WHEREFORE, ARL requests that its motion be GRANTED in all respects.

Respectfully submitted,

**ARL BIOPHARMA, INC. d/b/a
ANALYTICAL RESEARCH LABORATORIES**

By its attorneys,

/s/ Kenneth B. Walton

Kenneth B. Walton, BBO #562174
kwalton@donovanhatem.com
Kristen R. Ragosta, BBO #664362
kragosta@donovanhatem.com
DONOVAN HATEM LLP
Two Seaport Lane, 8th Floor
Boston, MA 02210
Tel: (617) 406-4500
Fax: (617) 406-4501

Dated: June 10, 2013

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on June 10, 2013 using the ECF system that sent notification of this filing to all ECF—registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Kristen R. Ragosta

*Attorney for ARL Bio Pharma, Inc. d/b/a
Analytical Research Laboratories*

01533721.DOC